

REMARKS

Claims 1-31 are pending in the application.

Claims 1-31 stand rejected.

Claims 1-3, 5-6, 8, 11, 20, and 24-25 have been amended.

Claims 9 and 21 have been cancelled.

Rejection of Claims under 35 U.S.C. §102

Claims 20 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bookman, et al., U.S. Patent No. 5,761,673 (Bookman). Applicants respectfully submit this rejection is overcome at least by virtue of the reasons presented subsequently herein.

Rejection of Claims under 35 U.S.C. §103

Claims 1-19 and 25-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over London, et al., U.S. Patent No. 5,831,609 (London) in view of Hallberg, et al., *Using Microsoft Excel 97*, published by Que Corporation, copyright 1997 Que Corporation (Hallberg).

Claims 21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bookman, et al., U.S. Patent No. 5,761,673 (Bookman).

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bookman, et al., U.S. Patent No. 5,761,673 (Bookman) in view of Hallberg, et al., *Using Microsoft Excel 97*, published by Que Corporation, copyright 1997 Que Corporation (Hallberg).

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as

follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In teaching or suggestion to make the claimed combination and the reasonable expectation of success, must both be found in the prior art and not based on Applicants' disclosure. The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest that the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. MPEP 2142.

Applicants have amended independent claims 1, 8, 11, 20, 28 and 24-25 in the manner of claim 1, which now reads as follows:

1. A method comprising:

providing information relating to a business application in a server system, comprising receiving a request, wherein

the request is configured to cause the business application to execute a command of the business application,

the request comprises an indication of a user interface element to be returned,
the command is configured to be defined by a data structure comprising
an execute element,
a command element, and
an argument element, and
the command element represents a predefined query;
generating a data element by executing the command of the business application;
generating the user interface element to be returned in response to the request; and
sending a response comprising the user interface element and the data element,
wherein the user interface element and the data element are XML
documents.

Applicants respectfully note that independent claims 8, 11, 20, 28 and 24-25 have been amended to recite, among other limitations, substantially similar limitations to those presented above.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires that: (1) the references teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

By contrast to the claimed invention, London is directed to:

“The present invention is directed towards a translation software that provides remote access to an application program that is executing on a host machine in its native operating system environment. The translation software monitors messages that are relayed from the application program to an application interface that is provided via the native operating system. Upon recognizing a message that affects a graphical user interface of the native operating system, the translation software converts the message into a protocol that is recognized by a remote graphical user interface. By monitoring and converting messages in this fashion, the translation software allows the application program to be displayed remotely.” (London; Abstract)

The Office Action further cites Hallberg, which is directed to the use of Microsoft Excel®. Applicants agree that, among other infirmities, London fails to show, teach or suggest a command that is a predefined query (or, as the claims read now, a command element that represents a predefined query), as correctly noted in the Office Action. However, Applicants respectfully disagree with the position that Hallberg cures this infirmity.

Hallberg fails to show, teach or suggest the claimed command element that represents a predefined query. A parallel between Hallberg and the claimed invention cannot be successfully drawn, at least because Hallberg fails to show, teach or suggest a command that is configured to be defined by a data structure that comprises, among other elements, a command element, which in turn represents a predefined query. Nowhere is there shown, taught or suggested in Hallberg (or London) a command thus configured. This is indeed natural, as Hallberg fails to demonstrate a need for such a command. Given that London also fails to demonstrate such a need, even if the

references could be successfully combined (a point which Applicants do not concede), their combination would fail to make obvious the claimed invention. Applicants, however, further respectfully submit that one of skill in the art would not be so motivated, given the references' lack of appreciation for the needs met by the claimed invention.

Moreover, London and Hallberg, taken alone or in any permissible combination, fail to provide any teachings as to a command that is configured to be defined by a data structure that comprises an execute element, a command element and an argument element. Further, there is no showing, teaching or suggestion of how one of skill in the art might implement such a command.

With regard to claims 21 and 23, the Office Action cites Bookman, which is directed to:

“A method and apparatus for generating dynamic Web pages is disclosed. Specifically, the present invention claims a method and apparatus for generating dynamic Web pages on a Web server by invoking and executing predefined procedural packages stored in a database. The claimed invention receives an object request on the Web server and activates a Web agent on the Web server based on the object request. The Web agent invokes and executes the predefined procedural package to retrieve data from a data repository, and then formats the retrieved data as HTML output.” (Bookman; Abstract)

Applicants respectfully submit that, among other infirmities of London and Hallberg, taken alone or in any permissible combination, the cited references fail to show, teach or suggest

the use of HTML and a command that is configured to be defined by a data structure that comprises an execute element, a command element and an argument element, where the command element represents a predefined query. Applicants respectfully submit that Bookman fails to cure such infirmities, were such a combination to be posited (which Applicants respectfully submit would, in fact, be inapposite).

Nothing in London, Hallberg or Bookman would lead (or enable) one of skill in the art to practice anything that might be found in their respective disclosures, in combination with one another. In this vein, the Office Action does not establish the presence of the claimed limitations in London, Hallberg and Bookman, taken alone or in any permissible combination. Applicants therefore respectfully submit that the Office Action fails to carry the burden of supporting a case of obviousness, including whether the prior art references teach or suggest all of the claim limitations. *See MPEP 706.02(j).*

In addition, Applicants also respectfully submit that the Office Action does not satisfy the burden of factually supporting the alleged motivation to combine the references. Applicants respectfully submit that, as amended, even if the references showed, taught or suggested the claimed invention, that no motivation is shown, taught or suggested in the references, nor any case made therefor in the Office Action, to combine London, Hallberg and Bookman, taken alone or in any permissible combination. Applicants therefore respectfully submit that amended independent claims 1, 8, 11, 20, 28 and 24-25 are not obvious in light of London, in view of Hallberg, and in further view of Bookman, at least because such a combination fails to meet the requirements mandated by 35 U.S.C. § 103(a), among other reasons.

For at least the foregoing reasons, Applicants respectfully submit that amended independent claims 1, 8, 11, 20, 28 and 24-25 are not obvious in light of the references.

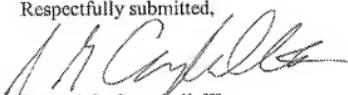
Applicants further respectfully submit that amended independent claims 1, 8, 11, 20, 28 and 24-25, and all claims dependent upon them, are in condition for allowance. Applicants therefore request the Examiner's reconsideration of the rejections of those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



Samuel G. Campbell, III
Attorney for Applicants
Reg. No. 42,381
Telephone: (512) 439-5084
Facsimile: (512) 439-5099